

## **DEVELOPMENT REVIEW COMMITTEE**

### **Meeting Minutes**

The Development Review Committee of Monroe County conducted a meeting on **Monday, October 18, 2010**, beginning at 10:09 a.m. at the Marathon Government Center, Media & Conference Room (1<sup>st</sup> floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

### **CALL TO ORDER**

**ROLL CALL** by Gail Creech

### **DRC MEMBERS:**

Townsley Schwab, Senior Director of Planning and Environmental Resources	Present
Mike Roberts, Senior Administrator, Environmental Resources	Present

### **STAFF MEMBERS:**

Mitch Harvey, Comprehensive Plan Manager	Present
Joe Haberman, Current Principal Planner	Present
Gail Creech, Planning Commission Coordinator	Present

### **CHANGES TO THE AGENDA**

There were no changes to the agenda.

### **MEETING**

### **CONTINUED ITEM:**

**1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING THE REQUEST BY MONROE COUNTY TO AMEND THE FUTURE LAND USE MAP (FLUM) DESIGNATION FOR UNDESIGNATED TO RESIDENTIAL CONSERVATION (RC) FOR THE PROPERTY LEGALLY DESCRIBED AS WISTERIA ISLAND & ADJACENT BAY BOTTOM (OR385-897-898), HAVING REAL ESTATE NUMBER 000123950-000000; PROVIDING FOR SEVERABILITY AND REPEAL OF INCONSISTENT PROVISION; PROVIDING FOR THE TRANSMITTAL TO THE SECRETARY OF STATE AND THE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mitch Harvey gave a brief summary of the progression of Wisteria Island's application process through the County's governmental entities. Townsley Schwab asked for any comments by the owner.

Roger Bernstein, president of FEB Corporation, Nick Mulick, Esq. and Planner Owen Trepanier were present representing the owner. Mr. Mulick asked if there were any changes in the staff report other than objection to the proposed FLUM amendment since the original submission of the application by the owner, to which Mr. Harvey answered no.

Mr. Mulick asked if it was typical that staff will propose a different FLUM based purely on the objection by a non-County jurisdiction. Mr. Harvey answered that he could not say, but that staff worked closely with the owner to come up with a FLUM category and subarea policy, which created a public benefit, after which the owner withdrew his application. Mr. Harvey further stated after that staff was directed to apply an appropriate land use category based on the categories presently adopted in the comprehensive plan, which staff felt would be residential conservation.

Mr. Mulick asked if a presumption has been made that the LDR designation by default as OS would necessarily mandate that the FLUM category be residential conservation, to which Mr. Harvey agreed. Mr. Harvey also agreed Wisteria Island is a spoil island and is not a bird rookery.

Mr. Harvey, in answering Mr. Mulick's questions, said that there are other spoil islands within Monroe County, but none with no land use category assigned to it that he knew of. Joe Haberman added that there are probably other islands that are undesignated, but they may not necessarily be spoil islands.

Mr. Harvey explained that it is difficult to keep track of every island due to tidal flow and accretion. Mr. Haberman added that not all islands have GIS data associated with them.

Mr. Mulick asked if staff, in determining that the appropriate FLUM should be RC, considered that Wisteria Island is a spoil island in close proximity to a heavily developed island closest to Key West. Mr. Harvey answered that the strongest reason for recommending the RC designation was zoning, and that there was no assurance in the review that there was availability of facilities and services to recommend an increased density from what is presently permitted by the zoning category.

Mr. Mulick noted there was no other governmental entity input consideration listed in the staff report. Mr. Harvey answered that an opportunity is provided to abutting jurisdictions to provide comments, and also that staff is reluctant to recommend an increase in density and intensity until such time as the service providers approve those facilities and services.

Mr. Mulick stated that the property owner adamantly objects to the proposed FLUM, as the owner believes Wisteria Island does not qualify as an offshore island, and that it does not reflect the existing conditions. Mr. Mulick added that he does not feel the RC designation meets any criteria set forth in the County's LDRs or its comprehensive plan.

Roger Bernstein pointed out in the pictures of Wisteria Island all of the illegally anchored boats that dump human waste. Mr. Bernstein also noted the difference in color choices used on the maps to label designations.

Owen Trepanier stated that he felt the Tier I designation for Wisteria Island was inaccurate. Mr. Harvey explained that offshore islands are designated Tier I so as to discourage development on offshore islands. Mr. Harvey then recited Policy 102.7.3. Mr. Trepanier said he felt the policy's language is grammatically incorrect. Mr. Trepanier added that the City of Key West's resolution states that the City opposed any change to the County's FLUM that had negative impacts on the City.

Mr. Harvey, in response to Mr. Mulick, said that regardless of whether Wisteria Island is a spoil island or not, whether it is a rookery or not, his concern is whether or not there is adequate and available facilities and services to accommodate the anticipated impacts of growth on a proposed piece of property. Mr. Mulick said that the owner of Wisteria Island has set forth all of the mechanisms by which it could provide essential services. Mr. Harvey stated staff needs assurances facilities and services are available before they could support increased densities and intensities.

Mr. Mulick responded that should not be an issue, since there has never been discussion on the impact of the level of development allowed on the island. Mr. Mulick also said that there is no other island in Monroe County with the same characteristics as Wisteria Island.

Mr. Harvey reminded Mr. Mulick that no decisions were being made at this meeting, but that staff is in the process of preparing their staff report to present before the County Commission. When facilities and services become available to the island, it will be appropriate to consider a more intensive land use category. Mr. Trepanier commented there is capacity, which is what concurrency requires. Mr. Mulick added that land-based services could be made available to Wisteria Island to meet the concurrency requirements. Mr. Mulick stated Monroe County has an obligation to provide fire and public safety to Wisteria Island. Mr. Harvey informed Mr. Mulick that he will be meeting with staff and reviewing Mr. Mulick's comments after the meeting.

Mr. Mulick assured staff that he is impressed with what they have done in dealing with this matter. Roger Bernstein said he felt that the time to consider the issue of availability of services would properly be taken up when there was an application. Mr. Bernstein concurred with Mr. Mulick's impression for what staff has done with regard to this matter. Mr. Trepanier offered to work with staff to arrive at an appropriate designation, and urged staff to consider coming up with an appropriate new category.

Townsley Schwab asked for public comment. Naja Girard said she supports staff's recommendation of RC and feels there are many reasons for restriction of development on this island. Ms. Girard noted that several species of birds that are using the island as a habitat were not listed. Deb Curlee was present on behalf of Last Stand.

Townsley Schwab submitted and recommended approval of the October 5, 2010 minutes.

## **ADJOURNMENT**

The meeting was adjourned at 10:52 a.m.